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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,680	05/30/2001	Osami Ushigusa	1359.1047	5106

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EXAMINER

NAWAZ, ASAD M

ART UNIT PAPER NUMBER

2155

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/866,680	<b>Applicant(s)</b> USHIGUSA, OSAMI	
	<b>Examiner</b> Asad M. Nawaz	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. This action is responsive to the communications filed on January 19<sup>th</sup>, 2005. Claims 1-20 have been amended. New claim numbered 21 has been added. Independent claims 1, 11, and 20 are directed towards an apparatus, method, and computer program product for customized information distribution based upon a pre-selected rank. Accordingly claims 1-21 are presented for examination.

2. Newly submitted claim 21 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Newly added claim 21 recites limitations directed towards receiving/storing/retrieving email messages.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 21 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being unpatentable over Reilly et al (US PG PUB 2002/0026349 A1), hereinafter referred to as Reilly.

As to claim 1, Reilly teaches an information distribution apparatus for mediating distribution of information received from a sending apparatus of a sender and distributed to a receiving apparatus of a receiver, comprising: a sending/receiving control part for conducting communication via a network with the sending apparatus and the receiving apparatus; (Abstract; 0033, 0097-0101)

a distribution rank storage part for storing a distribution rank selected in advance by the receiver with respect to distribution information from the sender, among distribution ranks defining distribution conditions containing designation of a summarization degree of distribution information in a plurality of levels; (Abstract; 0015, 0017, 0031-0035 [Although the claim recites “a distribution rank selected in advance”, it does not mention what it is selected in advance of.]

a distribution information storage part for storing an original of distribution information received from the sending apparatus; (Abstract, 0015, 0035, 0069, 0091-0093)

and a summarization processing part for, when receiving a request for distribution of stored distribution information received from the sending apparatus through the sending/receiving control part, obtaining from the distribution rank storage part a distribution rank previously selected by the receiver of the stored distribution information and selected based on its correspondence to the sender of the distribution information from the sender, and conducting summarization processing of the distribution information stored in the distribution information storage part in accordance with designation of a summarization degree corresponding to the obtained distribution rank, wherein the distribution information in accordance with the distribution rank is distributed from the sending/receiving control part to the receiving apparatus. (Abstract; 0015, 0017, 0031-0035, 0051, 0054, 0069)

Claims 11 and 20 are rejected for essentially being the method and computer program product for the apparatus described in claim 1.

As to claim 2, Reilly teaches an information distribution apparatus according to claim 1, wherein the distribution conditions further include designation of a distribution time. (0059, 0065)

As to claim 3, Reilly teaches an information distribution apparatus according to claim 1, comprising a retransmission processing part for receiving a request for transmission of an original of distribution information from a receiver of distribution information subjected to the summarization processing, extracting an original stored in

the distribution information storage part, and distributing the original to the receiving apparatus through the sending/receiving control part. (Abstract, 0091-0093)

Claim 12 is rejected for essentially being the method for the system described in claim 3.

As to claim 4, Reilly teaches an information distribution apparatus according to claim 1, comprising a rank information passing part for totalizing distribution ranks stored in the distribution rank storage part, and sending the totalized result to the sending apparatus through the sending/receiving control part. (Abstract, 0017, 0041, 0055-0066, 0070, 0101)

Claim 13 is rejected for essentially being the method for the system described in claim 4.

As to claim 5, an information distribution apparatus according to claim 1, comprising an image information generating part for adding screen definition information of a rank setting screen for allowing a receiver to input the distribution rank by selection, or access information to the rank setting screen to each distribution information; and a distribution rank updating part for updating contents stored in the distribution rank storage part, based on a selection result which a receiver inputs by selection on the rank setting screen. (Abstract, 0017, 0035, 0051-0052, 0055, 0066, 0070, 0071)

Claim 14 is rejected for essentially being the method for the system described in claim 5.

As to claim 6, Reilly teaches an information distribution apparatus according to claim 5, wherein the rank setting screen includes a questionnaire column in addition to a selection column of the distribution rank, the information distribution apparatus comprising: a questionnaire result storage part for storing answer data to the questionnaire column; a questionnaire record updating part for receiving answer data to the questionnaire column from the receiving apparatus through the sending/receiving control part, and updating contents stored in the questionnaire result storage part; and a questionnaire information passing part for totalizing questionnaire results stored in the questionnaire result storage part, and sending the totalized result to the sending apparatus through the sending/receiving control part. (Abstract, 0017, 0033-0035, 0041, 0047, 0060, 0062, 0071)

Claim 15 is rejected for essentially being the method for the system described in claim 6.

As to claim 7, Reilly teaches an information distribution apparatus according to claim 6, comprising a menu storage part for storing predetermined questionnaire contents and questionnaire contents provided by each sender, wherein questionnaire contents to be displayed in the questionnaire column on the rank setting screen are selected by each sender from questionnaire contents stored in the menu storage part. (Abstract, 0017, 0071, 0071, 0072)

Claim 16 is rejected for essentially being the method for the system described in claim 7.

As to claim 8, Reilly teaches an information distribution apparatus according to claim 1, wherein the distribution rank storage part includes a region for storing a distribution rank selected by each receiver on a sender basis or on the basis of the kind of information distributed from each sender. (Abstract, 0071, 0072)

Claim 17 is rejected for essentially being the method for the system described in claim 8.

As to claim 9, Reilly teaches an information distribution apparatus according to claim 1, wherein summarization processing of distribution information by the summarization processing part is either one of the following processing selected by each sender: processing of conducting summarization based on a predetermined rule and processing of outputting an abstract previously provided together with the distribution information in accordance with each distribution rank from the sender as a summarized result. (Abstract, 0051, 0052, 0059, 0069)

Claim 18 is rejected for essentially being the method for the system described in claim 9.

As to claim 10, Reilly teaches an information distribution apparatus according to claim 1, comprising a standard rank determining part for determining an initial distribution rank based on evaluation by a plurality of receivers. (0105)

Claim 19 is rejected for essentially being the method for the system described in claim 10



6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Conclusion***

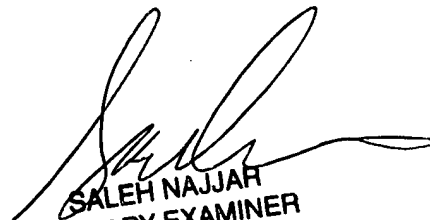
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
AMN

  
SALEH NAJJAR  
PRIMARY EXAMINER